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Letter dated 10 July 2002 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I would be grateful if you would circulate the present letter and its annex, a letter from Robin Vincent, Registrar of the Special Court for Sierra Leone, as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**

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Annex to the letter dated 10 July 2002 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

26 June 2002

Firstly, may I introduce myself as the recently appointed Registrar of the Special Court for Sierra Leone. Whilst I was pleased to have the opportunity on 13 June to meet the representatives of many of those Member States who have contributed to the setting up of the Special Court, I felt that you may welcome an individual note from me to, firstly, update you generally on progress and, secondly, to set out the proposed financial arrangements during the lifetime of the Court.

Inevitably, the preparatory work before establishing a presence in Sierra Leone has involved a significant amount of consultation and detailed arrangements to support a small 'start-up' team. Whilst there are still some details to be finalised, it is my intention that a small team (including myself) will aim to arrive in Freetown in the week commencing 22 July 2002. That team, which will comprise no more than five people, will provide a platform for the arrival soon after of the Prosecutor's advance party.

To enable those arrangements to have been made, a Loan Agreement has been created to permit around eight current UN staff members to fill key positions in the Court to provide the experience necessary. Those members are in the course of being selected. In accordance with the Agreement creating the Special Court, my appointment as a UN staff member has been confirmed.

The remaining, and majority of, staff will be divided approximately between local Sierra Leoneans and International staff. An advertisement exercise has been started involving the use of the UN website. Whilst the original estimate of staff required is around the 260 mark, the first year will see significantly fewer than that and, throughout the life of the Court, may well be fewer than the provisional assessments first made.

May I then turn to the proposed financial arrangements, which I intend to implement once the Court is in operation. Firstly, it was agreed at the meeting on 13 June that the Court's first Financial Year, for purposes of accounting for contributions and reporting progress, would commence with effect from 1 July 2002. Inevitably, there has already been some expenditure incurred against the Trust Fund to support start up activities by the Registry team in New York. The Controller released an initial allotment to the Legal Counsel (as the current programme manager of the Trust Fund) to resource preliminary planning functions, including some construction work in Freetown. That expenditure is unlikely to exceed $200,000 and will be identified separately from expenditure incurred subsequent to 1 July 2002. Secondly, an agreement has been reached with the Controller in UN Headquarters that the contributions, which currently are lodged in a UN Trust Fund, will be transferred en bloc on request to the UN Investment Pool where the funds will attract interest until they are drawn down to the Special Court's Bank Account as required. The Court's Account is with the JP Morgan Chase Bank's branch in UN Headquarters. Thereafter, the arrangements will be based on those arrangements

set out in the attached schedule. You will note that the Court will work with UNAMSIL in Sierra Leone in carrying out a number of payment and accounting activities so as to avoid the duplication of daily, low level financial transactions. The cost of such work carried out by UNAMSIL, on behalf of the Court, will be on a cost reimbursable basis but will obviously reduce the overall cost to the Court.

In the event that there may be those Member States who would like to make their second year contributions, I should add that such contributions will be gratefully received for two main reasons. Firstly, it enables me to plan for the future with greater confidence and, secondly, the interest on such early contributions provides a much needed revenue stream to the Court. Again, contributions should be made to the Trust Fund to be moved into the Investment Pool. I can only repeat that early payment of second year contributions will be of significant assistance to the Court.

A related matter which has arisen is that of the offer of additional voluntary contributions, either in the shape of funds or, for example, the provision of equipment. Whilst the possibility of such contributions is to be welcomed, inevitably the Court will need to ensure that the process is transparent and, particularly, that the independence and neutrality of the Court is not compromised. To that end, rules are in place which ensure both transparency and the approval of the Management Committee.

Turning to the financial reporting mechanisms, in addition to those measures set out in the attached schedule, the Court will provide a regular report direct to Member States on both performance and expenditure against a Business Plan to be produced as soon as possible after arrival in Sierra Leone.

Finally, discussions are taking place with the UN Office of Internal Oversight Services with regard to agreeing on the provision of an audit function in respect of the Court's finances. I hope to be able to provide further information on that aspect in due course.

It remains then, for the moment, for me to express the thanks of those of us who are privileged to be associated with the Special Court for the generosity and patience of contributors.

(*Signed*) Robin **Vincent**
Registrar

Attachment

Enclosure

Arrangements for administering financial operations of the Special Court for Sierra Leone

As an international organization in its own right, the Court through the Registrar will enter into a service agreement on a fee for service basis with UNAMSIL for disbursement and maintenance of accounts and other such services, and with the United Nations Treasurer in respect of banking arrangements.

These arrangements in no way imply any responsibility for any of the United Nations officials in respect of transactions performed at the request of the Registrar or an official designated by him/her.

Contributions to the Special Court will be received by the Treasurer of the United Nations and receipts issued therefor.

Upon approval of the Court's budget, the Registrar will request the Controller to allocate funds. Copies of the allocations will be provided to the UNAMSIL finance office.

The Registrar will establish financial obligations for Court expenditures with the UNAMSIL finance office.

The Registrar will forward appropriate documentation to the UNAMSIL finance office for the disbursal of funds.

The UNAMSIL finance office will record all Court obligations and disbursements in the computerized accounting and disbursing system of the United Nations.

The United Nations will provide appropriate print-outs of the financial records of the Court.

The Registrar will take appropriate steps to select auditors for the purpose of regular audits of the Court's accounts.

The Registrar will be responsible for reporting on the management and accounting/disbursing of funds to interested parties, including contributors.